

IN RE:  
JESUS CRUZ MERCED  
YOLANDA MICHELLE ESTRADA BENITEZ

DEBTOR (S)

CASE NO. 13-05220-BKT

CHAPTER 13

### TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED POST CONFIRMATION PLAN MODIFICATION

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$8,138.00 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,681.00    Fees paid: \$2,490.00    Fees Outstanding: \$191.00</b>
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With respect to the proposed (amended) Plan dated: **2/2/2015** (Dkt 50). Plan Base: **\$18,120.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)] - The sufficiency of the plan base will depend on the outcome of the Motion for Authority to Obtain Credit filed by Debtors on 2/4/15 docket #52.

- Feasibility [§1325(a)(6)]: Default in payments to Trustee. - Under the proposed plan Debtor is one (1) month, **or \$150.00**, in arrears with the Trustee. The pending payment pertains to the month **of, JANUARY 2015**; which became due on the **26TH**-day of the month. Debtors must show by definite and credible evidence that they can comply with payments as proposed.

Trustee objects the additional compensation for legal fees requested by debtor' (s'') counsel in the amount of \$500.00 until above matters are resolved.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this February 06, 2015.

/s/ Jose R. Carrion

Jose R. Carrion -Chapter 13 Trustee  
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